

Hon. Arun Subramanian
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street
New York, NY 10007

IN RE CARLOTZ, INC. SECURITIES LITIGATION., Case No. 1:21-cv-05906-AS (S.D.N.Y.)

OBJECTORS' LETTER MOTION FOR VERIFIABLE NOTICE RECORDS FROM LEAD COUNSEL

Filed Pursuant to Rule 23(e)(5), Rule 59(e), Rule 60(b)(3), and the Fifth Amendment Due Process Clause

To the Honorable Arun Subramanian, United States District Judge:

We, Objectors Xinbao Wang and Fen Wang, respectfully submit this letter motion to request that the Court direct Lead Counsel to provide contemporaneous and verifiable documentation of any effort to notify us of the June 10, 2025 Fairness Hearing in this matter.

Despite timely filing our objections and having provided accurate and current contact information to both the Court and Lead Counsel, we received no phone call, voicemail, email, or written notice containing dial-in or access information for the June 10, 2025 hearing. We were thereby deprived of our opportunity to participate meaningfully in the hearing as guaranteed by Rule 23(e)(5) and the Due Process Clause of the Fifth Amendment.

In response to the Court's inquiry during the hearing, Lead Counsel represented that a message had been left on a telephone number, but later clarified it was the wrong number. We respectfully question whether any attempt at all was made, and we now request the production of verifiable records such as telephone call logs, voicemail records, email logs, or written correspondence that reflect any such attempt to contact Objectors in advance of the June 10 hearing.

The right of objectors to be heard is not symbolic it is protected by procedural and constitutional guarantees. If no such documentation exists, we submit that the record confirms our exclusion from the hearing was not the result of excusable oversight, but a material procedural error that has impacted the fairness of the proceedings. Accordingly, we respectfully request that:

1. The Court order Lead Counsel to produce all documentation reflecting attempts to notify Objectors of the June 10, 2025 hearing;
2. That this letter motion be deemed part of the record in support of our Rule 59(e) and 60(b)(1), (3), and (6) motion to alter or vacate the judgment;
3. That the Court consider granting supplemental relief to ensure Objectors are afforded due participation in any further proceedings, including a renewed fairness hearing or evidentiary hearing.

We thank the Court for its attention to this matter.

Respectfully submitted,

Dated: 6/29/2025

/s/ Xinbao Wang

XINBAO WANG

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CERTIFICATE OF SERVICE (Email Only)

We, Xinbao Wang and Fen Wang, hereby certify that on 6/29/2025, we served the foregoing **Letter Motion for Verifiable Notice Records from Lead Counsel** by email upon the following counsel of record:

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Dated: 6/29/2025

/s/ Xinbao Wang

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/s/ Fen Wang

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Per the Court's July 1, 2025 Order, Dkt. 199, this request is denied as moot given that plaintiffs' counsel has voluntarily produced documentation showing that they attempted to contact the Wangs in advance of the June 10 hearing. The Clerk of Court is respectfully directed to terminate the motion at Dkt. 201.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: July 2, 2025